

REMARKS/ARGUMENTS

Pending claims 1, 10, and 17 stand rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,327,003 (Vos). Applicant respectfully traverses the rejection and respectfully requests reconsideration of the rejection. As to claim 1, nowhere does Vos teach either receipt of an alpha value indicative of how a video signal and a graphics signal are to be combined, or adjusting of a flicker filter based upon the alpha value. In this regard, the Office Action points to the components of FIG. 3 of Vos that merely show that an on screen display generation interface 30 is connected to an on screen insertion interface 32 that also receives a video signal 36. However, nothing in Vos anywhere teaches receiving an alpha value.

If, as the Office Action contends, that "Vos teaches a method comprising: receiving an alpha value...". Office Action, p. 4, then surely the Office Action should point to some disclosure in Vos of either the presence of an alpha value or receipt of the same by the on screen insertion interface 32. No such alpha value, however, is present in the system of Vos and thus the rejection is improper. Instead, as Vos teaches, the on screen display (OSD) instead provides information regarding an OSD header, a panel of colors and an address of a location in memory for the color: not an alpha value. Vos, col. 1, ln. 52 – col. 2, ln. 5; FIG. 1. Nowhere does Vos teach or suggest that either on screen display generation interface 30 or any other portion of the system of Vos provides an alpha value, either to the on screen insertion interface 32 or anywhere else.

Accordingly, nowhere does Vos ever mention the presence of an alpha value, and certainly not such a value that is indicative of how a video signal and a graphics signal are to be combined. Instead, there is no blending of video signal and graphics signal in Vos. Rather, Vos teaches that if an OSD is to be presented, its pixels are "substituted" for pixels of a video image. Vos, col. 4, lns. 25-30.

Accordingly, there is no teaching in Vos to adjust a flicker filter based upon such a (non-existent) alpha value. Instead, the mathematical filter disclosed in Vos is adapted to perform a particular equation and nowhere is it taught or suggested that this equation be adjusted, and it is certainly not adjusted based upon a non-existent alpha value. In this regard, where is the contended adjustment of a flicker filter in Vos? According to the Office Action, it is either in col. 4, lns. 20-23 or col. 5, lns 5-54 of Vos. Office Action, p. 4. As to col. 4, lns. 20-23, Vos merely states that an object of the invention is "to provide a method for correcting flicker and

flutter of an OSD on a video image.” Vos, col. 4, lns. 20-23. Certainly, this nowhere teaches or suggests adjustment of a flicker filter. Nor does col. 5, lns. 5-54. Instead, all that Vos teaches here is that pixel values of OSD pixels and pixel values of video image data are provided for a mathematical filter operation. However, nowhere does this or any other portion of Vos anywhere teach or suggest adjustment of a flicker filter, as recited by claim 1. Accordingly, the cited portions of Vos contended to meet the subject matter of claim 1 do not do so, and claims 1, 10, and 17 and their dependent claims are patentable.

Claim 10 and its dependent claims are further patentable (in addition to the reasons discussed above), as nowhere does Vos disclose a system that includes a controller to associate an alpha value with a signal to be displayed and a processor coupled thereto to adjust a flicker filter based upon the alpha value.

Pending claims 2-9, 11-15 and 18-22 stand rejected under 35 U.S.C. § 103(a) over Vos in view of U.S. Patent No. 6,144,365 (Young). Applicant respectfully traverses the rejection. The rejection is improper at least for the same reasons discussed above regarding claim 1 as “dependent claims are nonobvious under section 103 if the independent claims from which they depend are nonobvious.” *In re Fine*, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988).

Further, Young is not analogous art with respect to the claimed subject matter. In this regard, Young is in no way directed to the problem with which Applicant was faced, i.e., flicker filtering. In fact, Young nowhere even mentions the presence or use of such flicker filtering. Young is further non-analogous art, as it is directed to computer graphics display only and generation of an image from multiple color samples, not separate video and graphics signals, as recited by claim 1. Accordingly, Young is non-analogous art and for this further reason, the proposed combination is overcome. MPEP §2141.01(a).

Nor is there any motivation to combine the teaching of Vos, which is directed to on screen displays for a television, with the computer graphics system of Young. In this regard, the Office Action contends that it somehow would have been obvious “to modify Vos’s flicker correction... to adapt Young’s alpha test unit... because the use of alpha test unit helps function a blending process... .” Office Action, p. 5. However, this contention fails, as the Office Action fails to point to any motivation or suggestion with regard to either the claimed alpha value or adjustment of a flicker filter. As such, the Office Action engages in nothing more than improper hindsight rationale in an attempt to combine the references. In order to prevent a hindsight-based

obviousness analysis, the Federal Circuit requires that "to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant." *In re Kotzab*, 55 U.S.P.Q.2d 1313, 1316-17 (Fed Cir. 2000). No such showing is present here, especially as the Office Action fails to identify any teaching with respect to the claimed alpha value, or of adjusting a flicker filter on that basis.

The rejection of claim 2 is further improper, as Young does not teach or suggest comparing an alpha value to a threshold value. In this regard, Young does not teach or suggest an alpha value that "indicates how a video signal and a graphics signal are to be combined" as recited by claim 1. Instead, the alpha value of Young relates solely to graphics images and the blending of two graphics pixels as a foreground and background pixel. Young, 1:22-52.

Further, the alleged comparison in Young of an alpha value to a threshold is not used in any manner to adjust a filter level of a flicker filter. Instead, Young merely teaches that such a comparison is performed to determine whether to reject a pixel without further processing. Young, col. 5, lines 10-22.

Even if, as the Office Action contends, that "alpha test unit (306) which compares the alpha value of a pixel to a threshold and outputs the result to 'Z compare unit' which in turn transfers its own output to alpha blending unit (310). ..." Office Action, p. 5, this nowhere teaches adjustment of a flicker filter, and it certainly does not teach or suggest adjustment of a filter level of such a flicker filter in response to a comparison result. For this further reason that neither reference anywhere teaches or suggests adjustment of a flicker filter, nor such adjustment by adjusting a level of a flicker filter, the rejection of claim 2 is overcome. Accordingly, dependent claims 2-8, 12, 15, and 18-22 are patentable over the proposed combination.

Dependent claim 4 is further patentable, as Young does not teach or suggest dividing a second result (obtained by subtracting an alpha value from a threshold) by an alpha step value (nowhere taught or suggested by the references) to arrive at a result that is then used to adjust a filter level. In this regard, the fact that Young has an alpha blending unit that includes an adder, subtracter, multiplier and divider nowhere teaches or suggests using such components for comparisons with alpha values, threshold values or alpha step values. Nor does Young teach or suggest using its alpha test unit (306), Z compute unit (308) or alpha blending unit (310) to adjust a filter level of a flicker filter. For these further reasons, claims 4 and 20 are patentable.

Dependent claims 8, 15, and 21 are further patentable as none of the references teach or suggest turning off a flicker filter when a graphics signal has an alpha value below a threshold. Dependent claims 11 and 13-14 are further patentable as the cited references nowhere teach or suggest operation of a flicker filter at a plurality of levels.

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504.

Respectfully submitted,

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